



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT: MICHAEL E. TOMPKINS §  
SERIAL NO.: 08/162,420 §  
FILED: DECEMBER 3, 1993 §  
FOR: SPA CONTROL SYSTEM §

GROUP ART UNIT: 2314

EXAMINER: R.E. RAMIREZ

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JCM  
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GROUP 2300

RESPONSE TO FINAL OFFICE ACTION

5/31/94  
JCM  
Commissioner of Patents & Trademarks  
Washington, D.C. 20231

Date: May 19, 1994  
Docket No.: 86-1198-07

Sir:

In response to the Final Office Action dated March 10, 1994, and whatever extension of time is needed to make this response timely, for which extension of time Applicant hereby petitions, Applicant offers the following Remarks.

REMARKS

In the Final Office Action dated March 10, 1994, all the claims were rejected and the specification was objected to on the basis of 35 U.S.C. 112. The Office substantially (with minor modifications) offered the same remarks as in the Examiner's Answer of July 12, 1993 to the Appeal Brief. At the end of the Final Office Action dated March 10, 1994, new paragraphs were added dealing with the Declarations of Messrs. Tompkins and Davison ("Prior Declarations"). It is in response to those remarks on those Prior Declarations that these Remarks and the attached additional two Declarations ("New Declarations") are made to clarify what still seems to be a difficulty for the Office. While discussed in more detail below, Applicant asks that these New Declarations be entered either to put the case in better form for appeal or to overcome the objections by the Office to the Prior Declarations or to explain why such objections are erroneous to explain the issue raised by the Office that the Prior Declarations are conclusionary even though factually conclusionary by an expert in the field. This issue of the Prior Declarations being factually conclusionary was not raised previously by the Office although the conclusions as set out in the Prior Declarations were stated by Applicant's counsel during prosecution of the parent case to the above-referenced application. These factual conclusions by Applicant's counsel in the parent case, which were echoed in the Prior Declarations, were rejected by the Office in the parent case because they were made only by Applicant's counsel, without supporting declarations, despite